

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96506

Geert JANSSENS

Appln. No.: 10/599,119

Group Art Unit: 4161

Confirmation No.: 4465

Examiner: Shyam Nathan

Filed: September 20, 2006

For: TREATMENT OF POULTRY FOR INCREASING THE FEED CONVERSION RATE
OR FOR REDUCING THE INCIDENCE OF ASCITES

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement set forth in the Office Action dated August 18, 2008. In this regard, Applicant notes that a Preliminary Amendment is being submitted concurrently herewith.

In response to the Restriction Requirement, Applicant elects Group I, claims 1-7. In this regard, Applicant notes that claims 1-7 have been amended to recite both a method for the non-therapeutic treatment of poultry and a method for reducing the incidence of ascites in poultry, so to the extent that an election between these two methods would be required, Applicant elects the method for the non-therapeutic treatment of poultry. Further, Applicant notes that new claims 26-33 and 35 also read on the elected method for the non-therapeutic treatment of poultry (new claim 34 is directed to the non-elected method for reducing the incidence of ascites in poultry).

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Thus, claims 1-7, 26-33 and 35 include the elected method for the non-therapeutic treatment of poultry.

Applicant submits that if the elected method for the non-therapeutic treatment of poultry is found to be allowable, the Examiner should go on to examine the non-elected method for reducing the incidence of ascites in poultry, pursuant to the provisions of MPEP 803.02 for Markush claims (present claim 1 is a Markush claim reciting a method selected from the group consisting of a method for the non-therapeutic treatment of poultry for the purpose of reducing the conversion rate of the feed used to raise the poultry and a method for reducing the incidence of ascites in poultry). Further, Applicant traverses the restriction because the methods of Groups I and IV are the same except for the recited purpose.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: September 18, 2008